



Diebold Election Systems, Inc.
1611 Wilmet Road
McKinney, TX 75069
972 542-6000
fax 972 542-6044
www.dieboldes.com

February 6, 2004

Mr. Mark Kyle
Undersecretary of State
State of California
Executive Office
1500 11th Street
Sacramento, CA 95814

Dear Mr. Kyle:

In response to our conversations yesterday, Diebold Election Systems, Inc. (DESI) has developed the following proposed plan and back up solutions for the March 2nd primary election for the four counties utilizing the AccuVote-TSx. Those four counties include Kern, San Diego, San Joaquin, and Solano. We are presenting these options within the limited timeframe set forth by Secretary of State Kevin Shelley.

Option 1 – Utilize AccuVote-TSx with one of the following voting system configurations:

A. AccuVote TSx 4.4.3.27C with GEMS 1.18.18

As we discussed, Wyle Laboratories and Ciber are in the process of reviewing the AccuVote-TSx 4.4.3.27C and GEMS 1.18.18 voting system. This includes functional testing. Once they have completed their review, a report will be issued. Upon receipt, we will forward a copy to your office.

Under this option, each county (with the assistance we have agreed to provide) would be able to install the proper firmware on the TSx units within one week.

We do not know at this time if Wyle Laboratories will be submitting the voting systems configuration for a NASED number.

B. AccuVote-TSx 4.4.5 with GEMS 1.18.19

As we also discussed, Wyle Laboratories and Ciber are in the process of reviewing the AccuVote-TSx 4.4.5 and GEMS 1.18.19 voting system. This includes functional testing.

Since we had our conference call yesterday, we were informed by Wyle Laboratories that the 4.4.5 firmware version has passed the source code review and upon completion of functional testing, a report will be issued. Upon receipt, we will forward a copy to your office.

Under this option, each county (with the assistance we have agreed to provide) would be able to install the proper firmware on the TSx units within one week.

The report prepared by Wyle Laboratories will be forwarded to the NASED technical committee for the assignment of a number.

While this system configuration has been reviewed by your Elections Division staff and their external consultants, it has yet to receive state certification.

Option 2 – Paper ballots

The only alternative to utilizing the AccuVote-TSx system would be to attempt to conduct a paper ballot election in the four counties identified above. We have estimated the following schedule:

- Convert existing county election databases to paper ballot format, test and approve of ballot styles, begin immediately
- Final approved databases and ballot orders due to printer no later than February 13th
- Pre-press and database set up, 2-4 days
- Printing of ballots would start on or about February 20th
- Printing completed by 24th and 25th (estimate of 1.9 million total ballots to be printed)
- Finishing work, 1-2 days
- Delivery on 25th through 28th via overnight air freight
- Receipt of ballots in counties on 29th (leap year)
- County delivery to polling locations 29th/March 1st

Notes:

- No reprints, changes, or alterations would be feasible with this schedule
- No County ballot proofing would be feasible with this schedule
- Consideration must be given to the provision of tables/privacy booths as needed
- Estimate of 20,489 variations of ballot styles for San Diego exclusively (given number of precincts, parties, and languages)

Tabulation options

Optical scan via central count. Optical scan units would be deployed in one central location in each county. No precinct count option is available due to a lack of available equipment. It is not feasible to accurately estimate the length of time required to tally results.

Hand counting. Ballots could be counted at precinct, regional or central locations. It is not feasible to accurately estimate the length of time required to tally results.

In summary, either AccuVote-TSx system configuration described in Option 1 could be successfully deployed for your March 2nd election and will meet Secretary Shelley's recently announced security directive on electronic voting.

There are significant risks associated with Option 2. The described schedule and corresponding time frames are extremely aggressive. We are not able to represent whether the affected counties could implement this option. We respectfully recommend that discussions be initiated by your office with the affected counties concerning the feasibility of this option.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Urosevich", written in a cursive style.

Robert J. Urosevich
President

CC: California Secretary of State Kevin Shelley
Marc Carrel, Assistant Secretary of State